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09/735,835	12/13/2000	Vernon Keith Boland	8598	5833
26890	7590	10/01/2007		
JAMES M. STOVER NCR CORPORATION 1700 SOUTH PATTERSON BLVD, WHQ3 DAYTON, OH 45479			EXAMINER BORISSOV, IGOR N	
			ART UNIT	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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09735835	12/13/2000	BOLAND ET AL.	8598

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

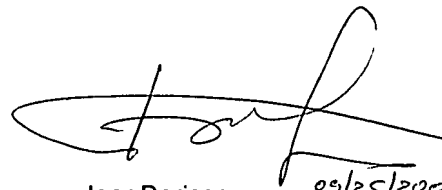
Commissioner for Patents

Supplemental information with respect to Examiner's Answer of 07/05/2006.

(9) Grounds of Rejection (See attached, 6 pages).

This information was missing in the Examiner's Answer, item (9), of July 05, 2006.

The case is forwarded to the BPAI with this supplemental information in response to the Remand letter of 05/14/2007.

  
Igor Borissov  
Primary Examiner  
Art Unit 3628  
05/25/2007

## **(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-5, 7-10, 13, 15-18 and 20-24 are rejected under 35 U.S.C. 102(e) as being unpatentable over Gardenswartz et al. (6,298,330).**

Gardenswartz et al. (Hereinafter Gardenswartz) teaches method and system for communicating with a customer's computer based on the offline purchase history of the consumer, comprising:

#### **Claims 1, 18 and 21.**

Storing registered customer purchase history information (*historical interaction data*) in a computerized, network-accessible database (C. 5, L. 39-41);

receiving current URL request (current interaction) from the registered customer over the Internet (C. 13, L. 58-60) to identify interaction data associated with previous registered customer purchase history information (C. 9, L. 57-60); said previous registered customer purchase history information including information which is relevant to the current interaction and including registered customer credit card number, social security card number, driver's license number, checking account number, shopper card number, shopper loyalty card number, customer's name, address and telephone number (C. 5, L. 56-61);

accessing said computerized, network-accessible database in accordance with the received current URL request to obtain said identified interaction data thereby

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providing interactive information which is relevant to the interaction with the registered customer (C. 9, L. 57-60).

Gardenswartz does not specifically teach that providing said interactive information which is relevant to the interaction with the registered customer includes providing a *context* for the communication received from the customer.

However, the Merriam-Webster's Collegiate Dictionary (10<sup>th</sup> ed.) defines "context" as "the interrelated conditions in which something exists or occurs" (p. 250).

Therefore, it would have been obvious to one having ordinary skill in art the time the invention was made to modify Gardenswartz to include that said providing interactive information which is relevant to the interaction with the customer includes providing a *context* for the communication received from the customer, because without indication in the specification the advantages of using the term "context" over the prior art, it appears that said term "context" is obvious variation of said interactive information associated with a particular purchase history classification.

**Claims 2 and 20.** Receiving communication over the Internet (C. 13, L. 58-60).

**Claim 3.** Storing customer purchase history information in a database (C. 5, L. 39-41), and classifying said data into one or more purchase behavior classification (C. 7, L. 5-7).

**Claim 4.** Transmitting said purchase history data to the device (advertiser's server) through which the communication was received (C. 13, L. 58 – C. 14, L. 9).

**Claim 5.** Delivering said interactive information to the customer so that the customer can act upon receiving said information (C. 9, L. 31-38).

**Claim 7.** Said method, wherein the communication includes consumer identification data (C. 5, L. 55-61).

**Claim 8.** Gardenswartz teaches:

Storing registered customer purchase history information (*historical interaction data*) in a computerized, network-accessible database (C. 5, L. 39-41);

receiving current URL request (current interaction) from the registered customer over the Internet (C. 13, L. 58-60) to identify interaction data associated with previous registered customer purchase history information (C. 9, L. 57-60); said previous

registered customer purchase history information including information which is relevant to the current interaction and including registered customer credit card number, social security card number, driver's license number, checking account number, shopper card number, shopper loyalty card number, customer's name, address and telephone number (C. 5, L. 56-61);

accessing said computerized, network-accessible database in accordance with the received current URL request to obtain said identified interaction data thereby providing interactive information which is relevant to the interaction with the registered customer (C. 9, L. 57-60).

Gardenswartz does not specifically teach that providing said interactive information which is relevant to the interaction with the customer includes providing a *context* for the communication received from the customer.

However, the Merriam-Webster's Collegiate Dictionary (10<sup>th</sup> ed.) defines "context" as "the interrelated conditions in which something exists or occurs" (p. 250).

Therefore, it would have been obvious to one having ordinary skill in art the time the invention was made to modify Gardenswartz to include that said providing interactive information which is relevant to the interaction with the customer includes providing a *context* for the communication received from the customer, because without indication in the specification the advantages of using the term "context" over the prior art, it appears that said term "context" is obvious variation of said interactive information associated with a particular purchase history classification.

Furthermore, Gardenswartz teaches:

**Claim 9.** Receiving communication over the Internet (C. 13, L. 58-60).

**Claim 10.** Storing customer purchase history data (*historical interaction data*) in a database (C. 5, L. 39-41), and classifying said data into one or more purchase behavior classification (C. 7, L. 5-7).

**Claim 13.** Gardenswartz teaches:

Storing registered customer purchase history information (*historical interaction data*) in a computerized, network-accessible database (C. 5, L. 39-41);

receiving current URL request (current interaction) from the registered customer over the Internet (C. 13, L. 58-60) to identify interaction data associated with previous registered customer purchase history information (C. 9, L. 57-60); said previous registered customer purchase history information including information which is relevant to the current interaction and including registered customer credit card number, social security card number, driver's license number, checking account number, shopper card number, shopper loyalty card number, customer's name, address and telephone number (C. 5, L. 56-61);

accessing said computerized, network-accessible database in accordance with the received current URL request to obtain said identified interaction data thereby providing interactive information which is relevant to the interaction with the registered customer (C. 9, L. 57-60);

generating a response to the current URL request in accordance with the registered customer identification data, accessed registered customer purchase history information and interaction with the customer, delivering said response to the customer via e-mail (C. 7, L. 25).

Gardenswartz does not specifically teach that providing said interactive information which is relevant to the interaction with the customer includes providing a *context* for the communication received from the customer.

However, the Merriam-Webster's Collegiate Dictionary (10<sup>th</sup> ed.) defines "context" as "the interrelated conditions in which something exists or occurs" (p. 250).

Therefore, it would have been obvious to one having ordinary skill in art the time the invention was made to modify Gardenswartz to include that said providing interactive information which is relevant to the interaction with the customer includes providing a *context* for the communication received from the customer, because without indication in the specification the advantages of using the term "context" over the prior

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art, it appears that said term "context" is obvious variation of said interactive information associated with a particular purchase history classification.

Gardenswartz, also, does not specifically teach that said customer *request is received via e-mail*.

However, Gardenswartz does teach that said interactive information is delivered to the customer via e-mail (C. 7, L. 25), thereby suggesting interacting with the customer via e-mail.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify Gardenswartz to include that said customer request is received via e-mail, because it would advantageously allow to transmit said request almost instantly, thereby save time.

**Claims 15 and 16.** Retrieving by customer's computers Web pages of the registration server via the Internet (C. 6, L. 48-56), thereby indicating *generating a template e-mail on the customer's terminal*.

**Claim 17.** Storing customer purchase history data (*historical interaction data*) in a database (C. 5, L. 39-41) and classifying said data into one or more purchase behavior classification (C. 7, L. 5-7).

**Claims 22-24.** Same reasoning as applied to system claim 21.

Furthermore, language as to the specific content of the *interaction data*, *associated data and retrieved data* is given no patentable weight. MPEP 2106 (II) (C) states: "*Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation.*"

A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1647 (bd Pat. App. & Inter. 1987).

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Thus the structural limitations of Claims 22-24 are disclosed by the prior art as described herein. Also, as described, the limitations of the claim do not distinguish the claimed apparatus from the prior art.